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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,373	12/12/2001	Eric Rosen	010558	2149

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,373	Applicant(s) ROSEN ET AL.	
	Examiner Sam Bhattacharya	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13-16,18-46,48-51,53-56 and 58-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-40 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,13-16,18-20,41-46,48-51,53-56 and 58-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 18, 19, 41- 43, 44, 46, 48, 49, 51, 53, 54, 56, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 6,741,580 B1) in view of Wiberg et al. (US 6,628,946 B1).

Regarding claims 1, 6, 11 and 16, Kim et al. disclose a base apparatus for delivering information to a mobile station in a group communication network, inherently including a receiver to receive information over the network, a transmitter to transmit information over the network, and a processor communicatively coupled with the receiver and the transmitter, wherein the processor determines whether the information is smaller than a predetermined size limit, and delivers the information to the mobile station on a forward common channel if the information is smaller than the predetermined size limit. See FIG. 5 and col. 2, line 66 – col. 3, line 3.

Kim et al. fails to specifically disclose delivering information when the mobile station is in idle state with no traffic channel. In an analogous art, Wiberg et al. disclose a system for broadcasting information in a mobile network in which information is delivered to a mobile station when the mobile station is in idle state with no traffic channel. See col. 17, lines 61-64

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and col. 18, lines 6-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in Kim et al. by delivering when the mobile station is in idle state, as taught by Wiberg et al., so that the mobile station does not need to repeatedly access the information at a remote location and consume unnecessary radio resources.

Regarding claims 3, 8, 13 and 18, Kim et al. disclose delivering the information on a forward paging channel (F-PCH). See col. 4, line 66.

Regarding claims 4, 9, 14 and 19, Kim et al. disclose delivering the information on a forward common control channel (F-CCCH). See col. 4, line 67.

Regarding claims 41, 42, 46, 51 and 56, Kim et al. disclose that the information is tagged or identified for delivery to the mobile since the delivery is based on the information being smaller than a predetermined size.

Claims 43, 48, 53 and 58 depend from claims 41, 46, 51 and 56, and incorporate the limitations of claim 3, and are therefore rejected for the same reasons as these claims.

Claims 44, 49, 54 and 59 depend from claims 41, 46, 51 and 56, and incorporate the limitations of claim 4, and are therefore rejected for the same reasons as these claims.

3. Claims 5, 10, 15, 20, 45, 50, 55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. in view of Wiberg et al. and Sayeedi (US Patent Application Publication No. 2002/0145990 A1).

Regarding claims 5, 10, 15 and 20, the combination of Kim et al. and Wiberg et al. fails to disclose delivering the information on the common channel in short data burst form.

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Sayeedi discloses delivering information from a base station to a mobile station on a common control channel in short data burst form. See claim 2, lines 4-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in Kim et al. and Wiberg et al. by using a short data burst on the common control channel as taught by Sayeedi so that a minimal amount of bandwidth is used on the channel and traffic channels are not used up unnecessarily.

Claims 45, 50, 55 and 60 depend from claims 41, 46, 51 and 56, and incorporate the limitations of claim 5, and are therefore rejected for the same reasons as these claims.

Allowable Subject Matter

4. Claims 21-40 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the claims are allowed for the reasons stated in the previous Office action.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


6/13/05
LESTER G. KINCAID
PRIMARY EXAMINER